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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5949**
Eiichi HATAE et al. : Docket No. 2001_0749A
Serial No. 09/880,040 : Group Art Unit 2616
Filed June 14, 2001 : Examiner James A. Fletcher

REMAINING RECORDABLE TIME
CALCULATION APPARATUS THAT
CONVERTS AMOUNT OF FREE AREA
OF RECORDING MEDIUM INTO TIME

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THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

REQUEST FOR RECONSIDERATION AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37. CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2616

Sir:

Responsive to the Office Action dated January 20, 2006, the Applicants respectfully request reexamination and reconsideration of the application in view of the following remarks.

In item 3 on page 3 of the Office Action, claims 7-13 and 21-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Browne et al. (WO 92-22983) in view of Kikuchi et al. (U.S. 6,577,812). This rejection is respectfully traversed for the following reasons.

Claims 7 and 21 each recite a remaining recordable time calculation apparatus for calculating a remaining recordable time of a recording medium. In particular, claims 7 and 21 are each recited as calculating the remaining recordable time of a recording medium by using the following formula.

**remaining recordable time = [(capacity of recording medium –
estimate error value)/(standard bit rate)] – running time**

While acknowledging that Browne et al. does not disclose, suggest or even contemplate how to calculate a remaining recordable time of a recording medium, the Examiner asserted that Kikuchi et al. teaches the above formula for determining a